

**REMARKS**

By this amendment, Applicants amend claims 1-7. Claims 1-7 remain pending in this application.

In the Office Action,<sup>1</sup> the Examiner rejected claims 1-6 under 35 U.S.C. § 101 as being directed to non-statutory subject matter; rejected claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 4 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 4 and 6 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,502,131 to Vaid et al. ("*Vaid*"); rejected claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,256,740 to Muller et al. ("*Muller*") in view of *Vaid*; rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Vaid* in view of Microsoft Excel 2000 ("*Excel*"); rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Muller* in view of *Vaid*; and provisionally rejected claims 1, 4, 5, and 7 on the ground of non-statutory obviousness-type double patenting.

**Rejection of Claims 1-6 under 35 U.S.C. § 101**

Applicants respectfully traverse the rejection of claims 1-6 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. However, to advance prosecution, independent claims 1 and 4 have been amended to recite "[a] computer-readable medium storing a computer program for displaying, on a display device, a graphical user interface (GUI)." Support for the amendments can be found in the specification at,

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

for example, page 14, line 10 to page 15, line 15. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-6 under 35 U.S.C. § 101.

**Rejection of Claim 4 under 35 U.S.C. § 112, Second Paragraph**

Applicants respectfully traverse the rejection of claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that “the phrase ‘or the like’ renders the claim[] indefinite” and “[t]he term ‘matrix-like structure’ is an indefinite term.” See Office Action, pp. 2-3. First, Applicants note that the term “or the like” is not recited by claim 4 or any other claims. Although Applicants respectfully disagree with the Examiner, to advance prosecution, Applicants have amended claim 4 for clarity and to delete the term “matrix-like.” Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 4 under 35 U.S.C. § 112, second paragraph.

**Rejection of Claims 4 and 7 under 35 U.S.C. § 112, Second Paragraph**

Applicants respectfully traverse the rejection of claims 4 and 7 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner states that “the phrase ‘inferior relation’ renders the claims vague and indefinite.” See Office Action, p. 3. Although Applicants respectfully disagree with the Examiner, to advance prosecution, Applicants have amended claims 4 and 7 to recite “hierarchically inferior.” Support for the amendment can be found in the specification at, for example, page 5, lines 9-21. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 4 and 7 under 35 U.S.C. § 112, second paragraph.

**Rejection of Claims 4 and 6 under 35 U.S.C. § 102(e)**

Applicants respectfully traverse the rejection of claims 4 and 6 under 35 U.S.C. § 102(e) as being anticipated by *Vaid*.

Independent claim 4, as amended, recites a combination including, for example, “one or more grid managers hierarchically inferior to the first grid manager.” *Vaid* does not teach or suggest at least this feature of claim 4.

In the Office Action, the Examiner does not specify how *Vaid* teaches the above-quoted feature of claim 4. Instead, the Examiner states, “the term ‘inferior relations is subject [sic] and thus unclear.” Office Action, p. 4. Applicants submit that “one or more grid managers hierarchically inferior to the first grid manager,” as recited in amended claim 4 is clear.

Furthermore, the Examiner argues that Fig. 19 of *Vaid* teaches Applicants’ claimed “grid manager” because “a grid manager can be inferred into the system.” See Office Action, pp. 2-3. Applicants respectfully disagree. However, even assuming that Fig. 19 of *Vaid* teaches a grid manager, Fig. 19 does not disclose any hierarchical relationship. For example, the computers listed in column 1901 are not hierarchically arranged. That is, none of the computers in column 1901 is superior or inferior to another computer. Therefore, for at least these reasons, *Vaid* does not disclose “one or more grid managers hierarchically inferior to the first grid manager,” as recited in claim 4, and required by dependent claim 6. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 4 and 6 under 35 U.S.C. § 102(e).

**Rejection of Claims 1-3 under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claims 1-3 under 35 U.S.C. § 103(a) as being unpatentable over *Muller* in view of *Vaid* because a *prima facie* case of obviousness has not been established.

Independent claim 1 recites a combination including, for example, “the rows structured hierarchically with respect to an application where a service belongs, a type of service, and concrete service instances.”

In the Office Action, the Examiner alleges col. 40, lines 55-67 of *Muller* teaches that “the rows [are] structured hierarchically with respect to . . . concrete service instances,” as recited in claim 1. See Office Action, p. 5. The Examiner’s allegation is incorrect. Although the cited portion of *Muller* mentions a “hierarchical view” (col. 40, line 58), the items in that view are “computer nodes 200, IONs [(input/output nodes)] 212, and fabrics 106” (col. 40, lines 58-59). Conversely, claim 1 recites “each of the rows representing **services**” (emphasis added). Furthermore, the cited portion of *Muller* does not teach or suggest that items in *Muller*’s hierarchical view are “structured hierarchically with respect to . . . **service** instances” (emphasis added), as recited in claim 1.

Moreover, *Vaid* does not compensate for the deficiencies of *Muller*. The Examiner admits that “*Muller* fails to teach . . . hierarchical structure with respect to an application where a service belong, a type of service and concrete service instances.” See Office Action, pp. 5-6. However, Applicants submit that *Vaid* fails to cure the deficiencies of *Muller* described above at least because *Vaid* does not disclose or

suggest a hierarchical structure for at least the reasons set forth above with respect to the § 102(e) rejection of claim 4 and 6.

Therefore, *Muller* and *Vaid*, taken alone or in any reasonable combination, fail to teach or suggest each and every element of claim 1, and required by dependent claims 2 and 3. Thus, a *prima facie* case of obviousness has not been established with respect to claims 1-3. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1-3 under 35 U.S.C. § 103(a).

**Rejection of Claim 5 under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claim 5 under 35 U.S.C. § 103(a) as being unpatentable over *Vaid* in view of *Excel* because a *prima facie* case of obviousness has not been established.

Claim 5 depends from claim 4 and, thus, requires all the elements of claim 4. As set forth above, *Vaid* fails to teach or suggest each and every element of claim 4.

The Examiner contends that *Excel* “teaches that a shrinkable structure that hides the labels representing grid managers or other application service in the matrix-like structure for the purpose of hiding labels for columns and rows.” See Office Action, p. 7. Although Applicants disagree, even assuming that the Examiner’s characterization of *Excel* is correct, *Excel* fails to cure the deficiencies of *Vaid* discussed above. That is, *Excel* fails to teach or suggest “one or more grid managers hierarchically inferior to the first grid manager,” as recited in claim 4, and required by claim 5. For at least these reasons, *Vaid* and *Excel*, taken alone or in any reasonable combination, fail to teach or suggest each and every element of claim 5. Accordingly, Applicants respectfully

request that the Examiner reconsider and withdraw the rejection of claim 5 under 35 U.S.C. § 103(a).

**Rejection of Claim 7 under 35 U.S.C. § 103(a)**

Applicants respectfully traverse the rejection of claim 7 under 35 U.S.C. § 103(a) as being unpatentable over *Muller* in view of *Vaid* because a *prima facie* case of obviousness has not been established.

Claim 7, as amended, recites a combination including, for example, “querying hierarchically inferior grid managers for current status.”

In the Office Action, the Examiner alleges col. 3, lines 34-42 and col. 39, lines 49-64 of *Muller* teach the above-quoted feature of claim 7. The Examiner’s allegation is incorrect. None of the cited portions of *Muller* teach or suggest the claimed “inferior grid manager” or “current status.” Although col. 39, lines 49-64 of *Muller* discloses computer nodes and applications, neither the computer nodes nor the applications can constitute a teaching or a suggestion of the claimed “grid manager.” *Muller* is also silent with respect to any teaching or suggestion of a hierarchy. Therefore, *Muller* does not disclose or suggest the claimed “inferior grid manager.” Furthermore, although col. 3, lines 34-42 of *Muller* does mention various types of communications (for example, transmitting a globally unique ID and authenticating the source using a signature), there is no teaching or suggestion of any “querying . . . for a current status,” as recited in claim 7.

The Examiner states that *Vaid* teaches “a state of the root and inferior grid manager and for each grid manager, a computer system running the grid manager.”

See Office Action, p. 8. Although Applicants disagree, even assuming that the Examiner's characterization of *Vaid* is correct, *Vaid* fails to cure the deficiencies of *Muller* discussed above. That is, *Vaid* fails to teach or suggest "querying hierarchically inferior grid managers for current status," as recited in claim 7. For at least these reasons, *Muller* and *Vaid*, taken alone or in any reasonable combination, fail to teach or suggest each and every element of claim 7. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 7 under 35 U.S.C. § 103(a)

**Provisional Non-Statutory Obviousness-Type Double Patenting Rejection**

The Examiner provisionally rejected claim 1 over claims 1 and 3 of co-pending Application No. 10/712,886 ("the '886 application"); provisionally rejected claims 4 and 5 over claim 4 of the '886 application in view of *Vaid*; and provisionally rejected claim 7 over claim 5 of the '886 application in view of *Vaid*, all on the ground of non-statutory obviousness-type double patenting.

Applicants respectfully traverse each of the provisional double patenting rejections and request that the rejections be held in abeyance. The '886 application is currently pending and, thus, no double patenting circumstances can arise until a patent is granted. Since no patent has apparently issued from the '886 application, Applicants respectfully request that the provisional rejections be held in abeyance and any resolution in the form of a terminal disclaimer or otherwise be deferred.

Applicants further note that MPEP § 804 addresses the situation of two co-pending applications. The section indicates that "[t]he 'provisional' double patenting

rejection should continue to be made by the examiner in each application . . . unless that 'provisional' double patenting rejection is the only rejection remaining in one of the applications. If the 'provisional' double patenting rejection in one application is the only rejection remaining in that application, the examiner should then withdraw that rejection and permit the application to issue as a patent, thereby converting the 'provisional' double patenting rejection in the other application(s) into a double patenting rejection at the time the one application issues as a patent." See MPEP § 804. Therefore, Applicants request the provisional double-patenting rejections be withdrawn should it be the only remaining rejections in this application or the '886 application and neither application has resulted in a granted patent.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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